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**John F. Kerry**

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UNITED STATES SENATOR

**FOR IMMEDIATE RELEASE: December 22, 2009**  
**CONTACT: Jodi Seth/Whitney Smith, (202) 224-4159**

## **Kerry Calls for TV Resolution Before New Year's Day Football**

WASHINGTON, D.C. – Senator John Kerry (D-Mass.), Chairman of the Commerce Subcommittee on Communications, Technology, and the Internet, today sent a letter to both FOX and Time Warner urging for a swift resolution to current negotiations in order to stop consumers, and football fans, from waking up without College Bowl games on New Year's Day.

“Fox and Time Warner need to strike a deal – millions of football fans are depending on it,” said Sen. Kerry. “Having screens go dark because two parties couldn't come together in time is no solution. New Year's Day and football are synonymous in households across the nation. Private industry negotiations cannot disrupt a fundamental American tradition.”

*The full text of the letter is below:*

Mr. Chase Carey  
President and Chief Operating Officer  
News Corporation  
1211 Avenue of Americas  
New York, New York 10036

Mr. Glenn Britt  
Chairman and CEO  
Time Warner Cable  
60 Columbus Circle  
NY, NY 10023

Dear Sirs:

I am aware that FOX and Time Warner Cable have been involved for some time in negotiations regarding the terms of carriage for FOX-owned broadcast television stations, as well as FOX-owned cable channels.

These are private negotiations, and I hope that the parties reach a mutually acceptable resolution before the existing agreement expires on December 31. If you fail to do so, I suggest that FOX allow Time Warner Cable to continue transmitting programming through the College Bowl season either under current terms and conditions or under terms and conditions that will be retroactively applied once an agreement is reached, or under some third option. I also suggest that both parties strongly consider entering arbitration rather than having consumers lose access to programming.

If I understand correctly, at midnight on December 31, 2009, FOX content may be removed from cable systems Time Warner Cable owns. This means that, in January, millions of Time Warner Cable customers around the country could lose access to the Sugar Bowl, Cotton Bowl, Fiesta Bowl and Orange Bowl, as well as NFL playoff games. Prior to the digital transition, many consumers were able to put up rabbit ear antennas to receive programming. However, digital receivers are more expensive and complex to use. We do not want consumers waking up on the first day of the New Year wanting to watch football and instead finding that they have to take a trip to the electronics store to purchase a digital receiver in the hope that they receive a clear over the air signal.

As the Chairman of the Senate Commerce Subcommittee on Communication, Technology, and the Internet, I have sought to place the interests of consumers at the center of our work. If both parties conclude that the best alternative to a negotiated agreement is to have screens go dark for consumers, then they will have neglected the core interests of the millions of households that subscribe to Time Warner Cable in affected markets. As leaders of major companies that are FCC licensees and are obligated to serve the public interest, I hope and expect that you will resolve this matter consistent with those obligations.

Sincerely,

John Kerry

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## **EXHIBIT D**

CHARLES A. GONZALEZ

MEMBER OF CONGRESS  
20TH DISTRICT, TEXAS

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## Congress of the United States

House of Representatives

Washington, DC 20515-1520

December 31, 2009

Mr. Chase Carey  
Deputy Chairman, President, and Chief Operating Officer  
News Corporation  
1211 Avenue of the Americas  
New York, New York 10036-8701

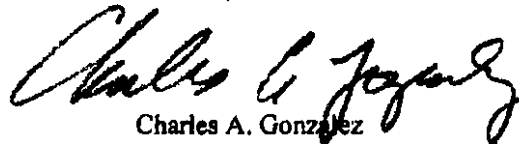
Dear Mr. Carey:

I am writing to urge you to take whatever steps are necessary to ensure that consumers have uninterrupted access to Fox content after your existing agreement with Time Warner Cable expires at midnight tonight. Many of my constituents rely on Time Warner Cable to receive Fox programming, and they are quite concerned about the prospect of missing Spurs games, to say nothing of January's bowl games, and the other Fox programming they love simply because of a commercial dispute.

I understand that, in response to a request from Senator Kerry, Time Warner Cable has offered to submit to arbitration or enter into an extension that will protect the interests of consumers. I hope that you can agree to such an interim agreement to protect your customers. Fox may be entitled to increased compensation, but denying four million innocent consumers access to programming — particularly one-time, national events like bowl games — is not an appropriate negotiating tactic.

I urge you to find an interim solution immediately, whether that consists of arbitration or a brief extension of your existing terms subject to a true-up. Neither side should hold my constituents hostage. This would cause significant and completely unnecessary damage. If customers should lose access to Fox programming tomorrow, it will be a sign that the retransmission consent process is broken, and call for swift action by Congress and the FCC to prevent further harm to consumers. I hope and expect that you can find a way to avoid that and to ensure that the upcoming bowl games and other Fox programs are available to everyone who wants to view them.

Sincerely,



Charles A. Gonzalez  
Member of Congress

CAG: cr

COMMITTEE ON  
ENERGY AND COMMERCE  
Subcommittees on Commerce, Trade, and  
Consumer Protection  
Subcommittee on  
Energy and Environment  
Subcommittee on Health

COMMITTEE ON THE JUDICIARY  
Subcommittee on Courts and  
Constitution Policy

Subcommittee on Immigration,  
Citizenship, Refugees, Border  
Security, and International Law

COMMITTEE ON  
HOUSE ADMINISTRATION

VICE CHAIR  
Subcommittee on Elections

Chair of the Congressional Research  
Service and House Task Force

1ST VICE CHAIR  
CONGRESSIONAL MEDICARE COUNCIL  
Seniors Whip

## **EXHIBIT E**

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AND RELATED

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**Congress of the United States  
House of Representatives**

**STEVE ISRAEL**

Second District, New York

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2017 RAYBURN HOUSE OFFICE BUILDING  
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FAX (631) 951-1438  
CELL (631) 951-1308

Glenn A. Britz  
Chairman, CEO  
Time Warner Cable  
60 Columbus Circle  
New York, NY 10023

Chase Carey  
President and Chief Executive Officer  
News Corporation  
1211 Avenue of the Americas  
New York, NY 10036

December 31, 2009

Dear Sirs,

I am aware of the midnight expiration of the agreement between FOX and Time Warner Cable. Without an agreement, millions of consumers will lose access to FOX broadcast and cable programming, including many one-time national sporting events like college bowl games. I call on both parties to agree to a 30 day cooling off period. We believe that is the best path forward not only to prevent disruption for consumers, but to allow the parties to reach a mutually acceptable agreement.

Please respond by 5 p.m. today to Erin Ziegler at [erin.ziegler@mail.house.gov](mailto:erin.ziegler@mail.house.gov), regarding whether you will voluntarily agree to this proposal.

Sincerely,

Steve Israel

Member of Congress

## **EXHIBIT F**



## *League of United Latin American Citizens*

**NATIONAL PRESIDENT**  
Rose Rosales

**EXECUTIVE DIRECTOR**  
Brent A. Wilson

**NATIONAL OFFICERS**  
Victor Flores  
Immediate Past President  
Roger Rocha  
Treasurer  
Jessica L. Martinez  
Youth President  
Lidia Model Martinez  
VP for Elderly  
Regis Gonzalez  
VP for Women  
Berita Urteaga  
VP for Youth  
Michelle Polanco-Osorio  
VP for Young Adults  
Angel G. Lozano  
VP for Farwest  
Maggie Rivera  
VP for Midwest  
Tania Padilla Lopez  
VP for Northeast  
Ismael Quintana-Lemus  
VP for Southeast  
Sybil L. Gonzalez  
VP for Southwest

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Massachusetts  
Augusto Sanchez  
Michigan  
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Nevada  
Paul A. Martinez  
New Mexico  
James Elvira  
Ohio  
Haydee Rivera  
Puerto Rico  
Joey Cardenas, III  
Texas  
Samuel McType  
Virginia  
Pedro De La Cruz  
Washington  
Darryl D. Morin  
Wisconsin

December 31, 2009

Mr. Chase Carey  
President and Chief Operating Officer  
News Corporation  
1211 Avenue of the Americas  
New York, NY 10036

Mr. Glenn Britt  
Chairman and CEO  
Time Warner Cable  
60 Columbus Circle  
New York, NY 10023

Dear Mr. Carey and Mr. Britt:

It has come to our attention that at midnight tonight Time Warner Cable customers around the country could lose access to FOX-owned broadcast and cable content over an unresolved carriage dispute between your two companies. As the CEO of the League of United Latin American Citizens, our nation's largest and oldest Latino organization, I find the possibility that Hispanic consumers may lose access to Fox content unacceptable and I encourage your respective companies to allow for continued carriage of FOX content on Time Warner Cable systems until an agreement can be worked out.

While we recognize that the negotiations between Time Warner Cable and Fox are a private matter, the fact remains that both companies have public interest obligations which you both agreed to as part of your licensing by the Federal Communications Commission. The television industry already has come under heavy criticism for failing to meet many of these public interest obligations in the past. In fact, supporters of network neutrality portray the regulations they advocate for as an effort to prevent the internet from becoming dominated by big companies who care more about profits than their customers and they point to what has happened to television as their prime example of what can go wrong. By shutting down Fox programming on Time Warner Cable tonight you will help prove their argument. No one could argue that such a move is good for the customers of Fox or Time Warner Cable.

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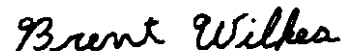
Mr. Chase Carey  
Mr. Glenn Britt  
12/31/09  
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In addition, you will force advocacy organizations like the League of United Latin American Citizens to call for more regulation of television companies in order to ensure that consumers are not similarly harmed in the future. Most industries have tried to avoid further regulations, but your companies will certainly invite a review by Congress and the Obama Administration should you allow your customer's screens to go blank on New Years Day.

LULAC worked hard to help Latino communities make the recent transition from analog to digital television. While we had some success given the enormity of the task, the reality is many families reluctantly gave up and subscribed to cable programming in order to continue to watch the shows they used to receive for free. Imagine how those families will feel if they again lose programming even after having paid for it.

We call on both parties to agree to a 30 day cooling off period. We believe that is the best path forward not only to prevent disruption for Latino families, but to allow the parties to reach a mutually acceptable agreement.

Sincerely,

A handwritten signature in black ink that reads "Brent Wilkes". The script is cursive and fluid, with the first letters of the first and last names being capitalized and prominent.

Brent Wilkes  
LULAC National Executive Director

## **EXHIBIT G**

December 31, 2009

**Statement of Michael Calabrese, New America Foundation, on Fox/TWC  
Retransmission Impasse**

Michael Calabrese, Director of the Wireless Future Program at the New America Foundation, a nonpartisan think tank in Washington, DC, released the following statement in response to Senator John Kerry's intervention in the retransmission impasse and threatened broadcast blackout by FOX with respect to carriage on Time Warner Cable systems:

"We applaud Senator John Kerry for his efforts to ensure consumers do not lose access to college bowl games, news and other essential broadcast programming.

We agree that FOX should not hold the viewing public hostage in its negotiations with Time Warner Cable over cable transmission payments. Broadcasts should continue during urgent negotiations and arbitration, if necessary.

FOX in particular needs to put the public interest first, since unlike a cable company it receives its most expensive input to production -- access to the public airwaves -- free of charge."

Michael Calabrese  
Vice President & Director,  
Wireless Future Program  
New America Foundation  
202-986-9453 (o)  
301-653-7730 (m)